



In-Stream Sand and Gravel Operations

Permit Application Guidance

Land Reclamation Program fact sheet

3/2013

Form applications and other items to submit

The table below summarizes the items that require completion and submittal for various industrial mineral permitting activities. An "X" indicates a required form or item unless an exception exists. Form description is available in the section listed next to the form name. For more information or forms call 573-751-4041 or visit the department's website at www.dnr.mo.gov/forms/index.html.

Please address all permitting information to:
Land Reclamation Program, Missouri Department of Natural Resources, P.O. Box 176,
Jefferson City, MO 65102-0176

Required Form or Item			Permit Actions*				
			New Permit	Renewal	Revision	Expansion	Transfer
Section A	780-1007	Permit Application for Industrial Mineral Mines	X	X	X	X	X
Section B	780-1895	Sand and Gravel Excavation Plan	X		X	X	X
Section C	780-1928	Company Information Form	X				X
Section D		Bonding Forms (if required)					
	780-0016	Surety Bond - Surface Mining of Minerals					
	780-0936	Personal Bond Secured by a Certificate of Deposit	X			X	X
	780-1472	Personal Bond Secured by a Letter of Credit					
	780-0015	Confirmation of Irrevocable Letter of Credit					
Section E	780-1333	Permit Transfer Form					X
Section F	780-1884	Annual Status Report		X			
Other Requirements							
Section G		Maps - Locator and Detail	X		X	X	X
Section H		Public Notice Templates	X		X	X	X

*Permit Action Definitions

New Permit – When applying for a new permit from the Land Reclamation Program.

Renewal – For annual renewal of a permit that has not been totally released of liability by the Land Reclamation Program.

Expansion – To add acreage not identified in the Sand and Gravel Excavation Plan or public notice to a site. Expansions are also used to add a new site to a current permit.

Revision – To significantly revise the methods described in an approved operation or reclamation plan, which will require another public notice.

Transfer – To transfer a permit or site from one corporate entity to another entity.

Section A: PERMIT APPLICATION AND RENEWAL FOR INDUSTRIAL MINERAL MINES (MO 780-1007) www.dnr.mo.gov/forms/780-1007-f.pdf

The *Permit Application* form must be submitted for all permit actions.

The form is designed to collect basic information about the operator, permitted acreage and fees. It is important to mark the applicable box(s) listed near the top of the form to indicate what permit action you are requesting: Renewal, Revision, Expansion, Transfer or New Permit.

Enter information about each site. Permitted acreage must be rounded up to the nearest whole number. This total will be used to calculate fees and bonding.

The second page consists of the Geologic Resource Fee and Bonding worksheets. All in-stream sand and gravel operations mining more than 5,000 tons per year must calculate their geologic resource fees. Finally, sign and date the form when completed.

The geologic resource fees and the industrial mineral fees may be sent as one check or separate checks.

Make checks payable to the "Department of Natural Resources, Land Reclamation Program."

Industrial Mineral Fees

The maximum total industrial mineral fee for any permit application is \$3,000 per application.

Annual Permit Fee

- The annual permit fee for In-stream sand and gravel operators mining less than 5,000 tons per year is \$300.
- The annual permit fee for In-stream sand and gravel operators mining greater than 5,000 tons per year is \$800.
- Annual permit fees should be paid yearly with a New or Renewal application only. These fees should not be paid with Revisions, Expansions or Transfers.

Site Fee(s)

- In-stream sand and gravel operators mining less than 5,000 tons per year do not pay a site fee.
- The site fee for in-stream sand and gravel operators mining greater than 5,000 tons per year is \$400 per site if operated six months or more during a permit year and \$200 per site if operated less than six months a year.
- Like the annual permit fee, the site fee(s) must be paid annually.
- The fee for each site must be paid when you first apply for the permit or when you renew the permit on the same site(s).
- If you add new sites during the permit year by applying for a permit expansion, a fee is owed for each new site at that time.

Acreage Fee(s)

- In-stream sand and gravel operators do not pay an acreage fee.

Geologic Resource Fees

The maximum total geologic resource fees for any permit application is \$3,500 per year.

Annual Fee

- There are no annual geologic resource fees for in-stream sand and gravel operators mining less than 5,000 tons per year.
- The annual geologic resource fee for In-stream sand and gravel operators mining more than 5,000 tons per year is \$50.
- This fee is not paid for Revision, Expansion or Transfer applications during the current permit year.

Site Fee(s)

- There are no geologic resource site fees for in-stream sand and gravel operators mining less than 5,000 tons per year.
- The site fee for all In-stream sand and gravel operator mining more than 5,000 tons per year is \$50 per mining site, per year.
- The fee for each site must be paid when you first apply for the permit, when you renew the permit, or when new sites are added during the permit year by applying for a permit expansion.

Acreage Fee(s)

- In-stream sand and gravel operators of any size are not required to pay acreage fees.

Bonding

Bonding is only required at sites where the Land Reclamation Director determines a reclamation responsibility exists. Reclamation responsibility is defined as a mining activity causing accelerated bank erosion, headcutting upstream or in adjacent streams, excessive sedimentation downstream, impeded stream flow or other circumstances requiring corrective action.

If adequate bonding is already posted or not required, check box and sign document.

Signature Required

The permit application must be signed and dated. By this action, the signatory certifies all statements on the permit application are true to the best of his or her knowledge.

Section B: Sand and Gravel Excavation Plan
(MO 780-1895) www.dnr.mo.gov/forms/780-1895-f.pdf

A *Sand and Gravel Excavation Plan* must be submitted for all permit applications **except** renewals.

This form is used to collect data about the landowners, the mineral rights owner, legal right to mine, and lists the performance standards that all in-stream sand and gravel operators must adhere. A separate sand and gravel excavation plan must be submitted for each unique site and when there are multiple landowner on the same site. A new sand and gravel excavation plan must be submitted when a landowner has changed.

Performance Standards

This section is comprised of 11 categories that describe how the site will be mined and the placement of materials once removed from the stream channel. These requirements are designed to protect water quality while allowing for the excavation of sand and gravel from riparian environments. Upon request of the applicant, the program may establish site specific variances to address conditions that may occur at individual locations.

Landowner

Print name, address and phone number with area code of landowner. The landowner must sign the form.

Mineral Rights Owner

Print name, address and phone number with area code of the mineral right owner if different than landowner.

Legal Right To Mine

Check the box that matches the type of agreement to mine, whether the site conforms to the county's planning and zoning requirements, and if the proposed mine plan boundary will be within 1,000 feet of any real property where an accredited school has been located.

Landowner Signature Required

By signing the sand and gravel excavation plan, the landowner is providing consent to entry to the Director of the Missouri Land Reclamation Program and his authorized representatives the right of entry for surface mining operations for the purpose of making field inspections to ensure compliance with the Land Reclamation Act.

Signature and Notarization Required

Each sand and gravel excavation plan must be signed by the operator and notarized.

By this action, the applicant certifies:

- All statements on the permit application are true to the best of his or her knowledge.
- He or she intends to mine in accordance with this sand and gravel excavation plan and the Land Reclamation Act.
- He or she has a valid agreement with the landowner that grants access to the Director of the Missouri Land Reclamation Program and his authorized representatives the right of entry for surface mining operations for the purpose of making field inspections to ensure compliance with the Land Reclamation Act.

Section C: COMPANY INFORMATION FORM
(MO 780-1928) www.dnr.mo.gov/forms/780-1928-f.pdf

This form must be completed with new permit and transfer applications.

This form consists of two pages and lists information about the applicant.

Company Information Section

The company information section describes the company management personnel who have the responsibility to comply with laws administered by the Land Reclamation Program.

Permit Information

Applicant must identify permits held by the applicant and issued by the Missouri Land Reclamation Program.

The *Company Information Form* must be signed and dated. By signing this form, the applicant verifies all statements on the permit application are true to the best of his or her knowledge.

Section D: BONDING FORMS

Bonding is required at any site where the Land Reclamation Director determines a reclamation responsibility exists. A reclamation responsibility is defined as a mining activity causing accelerated bank erosion, headcutting upstream or in adjacent streams, excessive sedimentation downstream, impeded stream flow or other circumstances requiring corrective action.

The bond amount must be payable to the State of Missouri and remain in effect until the mined acreages have been reclaimed and released by the Land Reclamation Commission or Director.

Permit holders may replace existing bonds with replacement bonds at any time. Existing bonds will not be released until the permittee has submitted and the director has approved acceptable replacement bonds.

The following are the types of bonds accepted by the Land Reclamation Program.

- Surety Bonds.
- Certificates of Deposit.
- Letters of Credit.

Surety Bond - Surface Mining of Minerals
(MO 780-0016) www.dnr.mo.gov/forms/780-0016-f.pdf

The applicant should enter his or her name and address and the Surety Bond Company should enter its name and address.

Enter the dollar amount of the surety.

Enter the day, month and year the surety bond was created.

Enter the number of acres covered by the surety bond.

Enter the permit number of the applicant. If the applicant does not have a permit number, contact the Land Reclamation Program at 573-751-4041 to have one assigned.

The form must be signed and notarized by the applicant and the surety company.

Below the surety's notary, the surety company should enter the contact information requested.

The surety bond must be submitted with a Power of Attorney.

Surety bond amounts can be increased and decreased through a Surety Rider.

- A surety rider must be from the Surety Company.
- It must show the bond number and correct permittee name on the rider.
- The rider must list the current amount, the amount of the increase or decrease, and the final amount of bond.
- The signature on the rider must be an authorized signature.
- The Power of Attorney must be attached.

Personal Bond Secured by a Certificate of Deposit
(MO 780-0936) www.dnr.mo.gov/forms/780-0936-f.pdf

Enter the permittee's name, address and the total dollar amount of the bond (written out and numerical).

List each Certificate of Deposit by certificate number: providing issuing bank name, bank address, bank phone number, dollar amount and date of issue.

Enter the applicant's Permit Name and Number. If the applicant does not have a permit number, contact the Land Reclamation Program at 573-751-4041 to have one assigned.

The Certificate of Deposit must be assigned to the State of Missouri by the issuing bank.

Enter the day, month and year the Certificate of Deposit was purchased.

The form must be signed by the applicant and by all individuals listed on the Certificate of Deposit and the signatures notarized.

The Issuing bank must also sign the form and have the signature notarized.

The Certificate of Deposit must be automatically renewable.

Interest in the Certificates of Deposit may be payable to the obligor.

The original Certificate of Deposit must accompany the forms.

Personal Bond Secured by a Letter of Credit
(MO 780-1472) www.dnr.mo.gov/forms/780-1472-f.pdf

The Letter of Credit must be irrevocable.

The Letter of Credit number should be entered as the bond number.

Enter the permit number of the applicant. If the applicant does not have a permit number, contact the Land Reclamation Program at 573-751-4041 to have one assigned.

Enter the permittee's name and address, the dollar amount of the letter of credit written out, and then again in dollar format.

Enter the Letter of Credit's number, the date the Letter of Credit was issued, the name and address of the issuing bank and the amount.

The *Confirmation of Irrevocable Letter of Credit* only needs to be completed for Letters of Credit issued by an out-of-state bank.

Enter the day, month, and year along with the applicant's permit number.

The second page must be signed by the applicant and notarized.

The Issuing bank will complete pages 3 and 4. Those pages require two bank signatures and notarization.

There are three attachments to complete as part of the form: Attachment A, Attachment B and Attachment C.

Confirmation of Irrevocable Letter of Credit
(MO 780-0015) www.dnr.mo.gov/forms/780-0015-f.pdf

This form must be filled out by a bank located in Missouri only if the Irrevocable Letter of Credit was issued by an out-of-state bank. The *Confirmation of Irrevocable Letter of Credit* will need to be completed, signed, countersigned and notarized.

Section E: Permit Transfer Form
(MO 780-1333) www.dnr.mo.gov/forms/780-1333-f.pdf

The *Permit Transfer Form* must be completed when a permit or site is being transferred to a new applicant.

The first page gathers information about the current permit holder, the bonds held by that permit holder, the proposed successor and replacement bonds.

On the second page, list the site name or number, permitted acres, Section/Township/Range, county and commodity of each site being transferred. If needed, list additional sites on page 3.

Both the current permit holder and the proposed applicant must sign the form.

Section F: Annual Operations Status Report
(MO 780-1884) www.dnr.mo.gov/forms/780-1884-f.pdf

This form should be submitted with all renewal applications.

The permit name, number and year should be entered in the top section.

List the site name or number, location, acreage and stream name where sand and gravel was removed during the past year.

Include a map showing the location of these sites.

Section G: Map Requirements

A Locator Map and a Detail Map is required to be on file for all permitted sites. New or replacement maps must be submitted for all new permit, expansion, revision or transfer applications.

Both maps and all copies submitted must be clearly legible and must contain the following:

- The company name.
- The mine or site name.
- The date map was created or edited.
- Legal description of site (Section/Township/Range).
- The scale indication (such as a scale bar or numerical ratio).
- A symbol indicating north.
- A symbol definition key for any special symbols used.

Both maps must be prepared on an original or clearly copied United States Geological Survey, or USGS, 7 1/2-minute topographical map, county assessor map, Agricultural Stabilization Conservation Service, or ASCS, aerial photos or up-to-date county ownership plats or on a map of equal or better quality.

Locator Map

This map is used to locate and distinguish the mining site from other mine sites in the general area of the county;

Detail Map

This map must be of sufficient scale and detail to illustrate the following:

- The names of owners or leaseholders of the real property located contiguous or adjacent to the proposed mine plan area.
- The boundaries and the acreage of each site, if proposing multiple sites, the areas proposed to be affected over the permit term.
- The approximate location of public roads, utilities and easements located in or within 100 feet of the proposed permit area.
- The name of the creek or stream being mined.

Section H: Public Notification Templates

These templates must be completed with following applications: New Permits, Expansions, Revisions and Transfers.

IMPORTANT! - Do not run the public notice until you have been approved to do so by the Land Reclamation Program!

Several public notice templates exist. Pick the template that applies to the permit action you are submitting:

- New Permit – for a brand new permit application.
- Renewal – to continue mining at the sites and acreage previously applied for.
- Revision – when revising the methods described in an approved operation or reclamation plan.
- Transfer – the transfer of a permit or site from one applicant to another.
- Expansion – to add mine plan acreage at a site already permitted.
- Transfer-Expansion – to transfer a permit or site from one applicant to another and add mine plan acreage at the same time.
- New to Existing Permit – to add a new site to an existing permit.

The public notice must be published in a newspaper qualified to publish public notices pursuant to section 493.050 RSMo.

The newspaper must be in the county where the mine plan is located.

The notice shall run once a week for four consecutive weeks.

The applicant will be notified by the Land Reclamation Program, via certified mail, to publish the public notice within 10 days.

The public notice shall contain the following information:

- Operator name and address
- Legal description of the affected land consisting of the Section/Township/Range.
- The number of acres in the mine plan.
- The commodity being mined.
- The period of operation.
- The statement informing the public that written comments or a request for a hearing or informal public meeting may be made by any person with a direct, personal interest in one or more of the factors that the Missouri Land Reclamation Commission may consider in issuing a permit as required by the Land Reclamation Act, sections 444.760 to 444.790 RSMo., or whose health, safety or livelihood will be unduly impaired by the issuance of the permit regarding items such as permitting and reclamation requirements, erosion and siltation control, excavations posing a threat to public safety or protection of public road right-of-ways.
- Written comments shall be sent to the Director of Staff, Land Reclamation Program, Department of Natural Resources, at the program's current address.
- All comments and requests must be submitted in writing to the Director's office within 15 days of the last date of the publication of the notice.

Public Notification Letter

The second and third pages contain the public notification letter template.

The applicant shall send the notification letters by certified mail to:

The governing body of the counties or cities in which the proposed area is located.

All last known addresses of all recorded landowners of contiguous real property or real property located adjacent to the proposed mine plan.

The public notification letters should be mailed at the same time the public notice is provided to the newspaper.

The information is the same as what is listed in the newspaper public notice except the dates the notice is running in the paper must be added to the notification letter.

After the public notice has run for four consecutive weeks, the applicant shall obtain the Affidavit of Publication from the newspaper. The applicant shall submit that form, a copy of the public notice and the certified mail receipt cards to the Land Reclamation Program.

For More Information

Missouri Department of Natural Resources
Land Reclamation Program
P.O. Box 176
Jefferson City, MO 65102-0176
800-361-4827 or 573-751-4041
FAX: 573-751-0534
www.dnr.mo.gov/env/lrp/index.html